

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

LEROY RODGERS and)
BARBARA RODGERS,)
)
Plaintiffs,)
) No.
vs.)
)
THE DILLON LAW FIRM, P.C. and)
ARROW FINANCIAL SERVICES,)
L.L.C.,) **JURY DEMAND ENDORSED HEREON**
)
Defendants.)

COMPLAINT

NOW COME the Plaintiffs, LEROY RODGERS and BARBARA RODGERS, by and through their attorney, JAMES M. ERVIN, and for their Complaint against the Defendants, THE DILLON LAW FIRM, P.C. and ARROW FINANCIAL SERVICES, L.L.C., Plaintiffs allege and state as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter the “FDCPA”), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. § 1692, *et seq.* Venue lies properly in this district pursuant to 28 U.S.C. § 1331(b), as a substantial part of the events and omissions giving rise to the claim occurred within this District.

PARTIES

3. Plaintiffs are individuals who were at all relevant times residing in Union, South Carolina.

4. Plaintiffs are “consumers” as defined in 15 U.S.C. § 1692a(3), as they are natural persons allegedly obligated to pay a debt.

5. At all relevant times, Defendants acted as “debt collectors” within the meaning of 15 U.S.C. § 1692a(6), in that they held themselves out to be companies collecting a consumer debt allegedly owed by Plaintiffs.

6. On information and belief, Defendant ARROW FINANCIAL SERVICES, L.L.C. (hereinafter “Arrow”) is a limited liability company of the State of Delaware, which is licensed to do business in South Carolina and which has its principal place of business in Niles, Illinois.

7. On information and belief, Defendant, THE DILLON LAW FIRM, P.C. (hereinafter “Dillon”), is a professional corporation of the State of Georgia, which is not licensed to do business in South Carolina and which has its principal place of business in Lawrenceville, Georgia.

COUNT I

(Violation of the Fair Debt Collection Practices Act)

8. On or about December 30, 2009, Dillon, acting as the attorneys and authorized agents of Arrow, filed a lawsuit against Plaintiffs in the Union County, South Carolina Court of Common Pleas (hereinafter the “Union County lawsuit”), in an attempt to collect the aforementioned alleged debt.

9. The last payment made on the Bank of America account which is the subject of the alleged debt for which Defendants filed the Union County lawsuit against Plaintiffs was made in November of 2006.

10. Therefore, the Union County lawsuit was filed after the expiration of the applicable statute of limitations under South Carolina law.

11. All of the actions of Dillon as alleged above were undertaken as the attorneys and authorized agents of Arrow.

12. In its attempts to collect the aforementioned alleged debt, Defendants violated the FDCPA in one or more of the following ways:

- a. Falsely representing the character, amount and/or legal status of the debt, in violation of 15 U.S.C. § 1692e(2)(A);
- b. Threatening and taking action that could not legally be taken and/or that was not intended to be taken, in violation of 15 U.S.C. § 1692e(5);
- c. Using a false, deceptive or misleading representation or means in connection with the collection of the alleged debt, in violation of 15 U.S.C. § 1692e(10);
- d. Using an unfair or unconscionable means to attempt to collect a debt, in violation of 15 U.S.C. § 1692f; and
- e. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

13. As a result of Defendants' violations as aforesaid, Plaintiffs have suffered and continue to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiffs, LEROY RODGERS and BARBARA RODGERS, respectfully pray for a judgment against Defendants as follows:

- a. Statutory damages of \$1,000.00 from each Defendant for each violation of the FDCPA;
- b. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiffs; and
- c. Any other relief deemed appropriate by this Honorable Court.

JURY DEMAND

Pursuant to Civil Rule 38, Plaintiffs hereby demands a trial by jury on all issues in this action, except for any issues relating to the amount of attorneys' fees and litigation costs to be awarded should Plaintiffs prevail on any of their claims in this action.

Respectfully Submitted,

/s/ James M. Ervin
James M. Ervin
Attorney for Plaintiffs
600 Columbia Avenue
Lexington, SC 29072
(888) 493-0770, ext. 308 (phone)
(866) 551-7791 (facsimile)
James@LuxenburgLevin.com